

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EDWARD JOSEPH CYCENAS,

ORDER

Plaintiff,

10-cv-253-bbc

v.

JAMES FLANIGAN, BEVERLY FLANIGAN,
DAVID L. GRINDELL, DONNA GRINDELL,
CANDACE FITZGERALD, PHILIP LINDEMAN,
HELEN KINDEMAN, CHARLES AWE,
TRACY FINCH, BURNETT COUNTY,
DANIEL PETERSON, KARLA PETERSON,
EDWARD FISHER, KELLY FISHER,
TIMOTHY TJADER, DONNA TJADER,
TOWN OF DANIELS, CARL LIPPERT,
and DEBBIE LIPPERT;

Defendants.

This is a civil action for injunctive and monetary relief in which plaintiff Edward Joseph Cycenas, who is proceeding pro se, alleges violations of his constitutional rights pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1331. Plaintiff has paid the \$350 fee for filing this case.

The next step is for plaintiff to serve his complaint on the defendants. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the

defendants. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving his case to resolution. If plaintiff acts promptly, he should be able to serve his complaint on the defendants well before the deadline for doing so established in Rule 4.

To guide plaintiff in the procedure for serving a complaint on a municipality, I am enclosing copies of Fed. R. Civ. P. 4 and Wis. Stat. § 801.11(4). (Plaintiff should note particularly Rules 4 (c), (j)(2) and (l).) Also, I am enclosing a memorandum describing the procedure for serving a complaint on individuals, together with notice of lawsuit and waiver of service of summons forms. In addition, I am enclosing to plaintiff an extra copy of his complaint, from which he should make copies for serving on the defendants, and the forms he will need to send to the defendants in accordance with the procedures set out in Option 1 of the memorandum.

ORDER

IT IS ORDERED that plaintiff serve his complaint on the defendants promptly. He should file proof of service of his complaint as soon as he has served each defendant. ("Proof of service" is explained in the attachments.) By July 23, 2010, plaintiff is to file proof of service of his complaint on the defendants or tell the court why he cannot do so. If he does not file the proof of service or explain why he could not serve the defendants, I will order

him to explain why his case should not be dismissed for lack of prosecution.

Entered this 14th day of May, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge